

Application No. 08/828,005  
Reply dated 21 May 2004  
Responsive to Office Action mailed on 3 May 2004

7 of 8

**REMARKS**

**Restriction Requirement**

**Definition of Species**

The Examiner stated that the subject application contains claims directed to the following patentably distinct species of the claimed invention and required the election of one of the species:

**Either**

- A. the species of Figures 9-10 or
- B. the species of Claim 11

and

- 1. one of the acquisition layer compositions and
- 2. one of the acquisition/distribution layer compositions and
- 3. one of the second absorbent core component materials and
- 4. one of the third absorbent core component materials and
- 5. one of the storage/redistribution layer compositions.

**Election of Species**

The following species is hereby elected, using the Examiner's terminology diagrammed above:

- A. The species of Claim 11

and

- 1. an acquisition layer comprising fibrous nonwoven materials, and
- 2. an acquisition/distribution layer comprising fibrous nonwoven materials, and
- 3. a second absorbent core component comprising absorbent gelling materials, and
- 4. a third absorbent core component comprising absorbent gelling materials, and
- 5. a storage/redistribution layer comprising open-celled polymeric foam materials.

**Claims Readable on Elected Species**

Claim 11 and the claims that depend from Claim 11 read on the elected species, *i.e.*, Claims 11, 12, 17, 20, 32, 43, and 82 through 89 read on the elected species. It is noted that claims reciting *Markush* groups containing the materials selected in the elected species read on the elected species.

**Complete Listing of the Claims**

A complete listing of the claims has been provided in this reply to correct the inadvertent oversight in the previous submission (with the RCE) of listing only the currently pending claims. None of

Application No. 08/828,005  
Reply dated 21 May 2004  
Responsive to Office Action mailed on 3 May 2004

8 of 8

the claims has been amended in this reply and, therefore, the claims that were amended in the previous submission are denoted as "previously presented" in this reply.

#### Information Disclosure Statements

The Supplemental IDSs submitted on 24 February 2004 and 24 March 2004 have not yet been acknowledged by the Office. It is requested that an initialled copy of these two IDSs be provided in the next paper from the Office.

It is also requested that the Statements Regarding Previous Citations of References on page 2 of the IDS submitted on 24 February 2004 be noted and particularly that the therein-referenced apparently erroneous citation of a non-existent patent to Morstad be addressed.

#### Interview(s)

As noted by the Examiner in the Interview Summary mailed on 13 May 2004, a telephone conversation between the Examiner, the undersigned, and Mr. Gary LaVon was held on 3 May 2004. The substance of the conversation was adequately described in the Examiner's Summary.

In the present Office Action, reference was made to a telephone call to the undersigned on 27 April 2004 to request an oral election to the aforementioned restriction requirement. It is noted that no conversation was held on that date and that the Examiner left a voice message. It is also respectfully noted that neither restriction nor election was mentioned in the voice message that was left on that date; instead, only the numerous inaccuracies in copying the documents for the IFW process and the possibility of consolidating applications were mentioned.

Respectfully submitted,

By: Michael P. Hayden

Michael P. Hayden

Registration No. 48,433

Phone: (513) 626-5800

Fax: (513) 945-2958 or (513) 626-3004

21 May 2004

Customer No. 27752